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Michigan Office of Racing Commissioner **Racetrack License Application**

Pursuant to Sec. 9 of the Horse Racing Law, Act 279 of 1995 as amended, a track license is required to maintain or operate a racetrack at which 1 or more race meeting licensees may conduct licensed race meetings in this State. Applicants for a track license must provide the following information, in the specified format to the Office of Racing Commissioner:

(Legal Name of Applicant Business Entity)

(INSTRUCTIONS)

1. Applicant must submit an original and five (5) copies of the complete track license application, attachments, and appendices.
2. All questions must be answered. Use separate attachments should answers not conveniently fit on the application form. Identify any separate attachments by question number and sub-letter. Attachments, if any, to each question must *immediately* accompany the appropriate page of the application.
3. The application documents must be printed on 8 ½ by 11 inch paper. Architectural drawings must be submitted on 11 by 15 inch paper, folded to 8 ½ by 11 inches. The documents must be paginated. The application must include a list of appendices that include the number and title of each appendix. The Office of Racing Commissioner may request additional information from an applicant after the application has been filed.
4. In any question where “persons” appears, such term shall include individuals, partnerships, associations, corporations, limited liability companies, firms, or other business entities.
5. If an application period has been designated, the applicant and all required information and documentation must be received in the Office of Racing Commissioner’s Lansing office no later than 5:00 pm EST on the last day of the application period. An incomplete application or an application filed after the deadline will not be accepted and may not be considered by the Racing Commissioner. Any questions concerning this application or the application process should be directed to the Office of Racing Commissioner staff at (517) 335-1420.
6. ***Be advised, that if any circumstances change any time after the application is received by the Office of Racing Commissioner, and therefore the application on file no longer presents the correct facts, the applicant must immediately submit an amended answer to the affected question(s). When doing so, the document must be titled “AMENDMENT TO RACETRACK LICENSE APPLICATION”, and reference the question number, effective date of change, the change in detail properly attested.***

SECTION I APPLICANT BUSINESS INFORMATION

A. GENERAL INFORMATION

1. Legal Name of the Business Entity:_____

hereby makes application to construct or maintain and operate a horse racetrack at which the following race meetings will be conducted with pari-mutuel wagering on the results of horse races [indicate which type(s) of race meets will be proposed] :

- ☐ Thoroughbred Race Meeting (Running Races)
- ☐ Mixed Breed Race Meeting (Running Races)
- ☐ Standardbred Race Meeting (Harness Races)

in accordance with the provisions of the Horse Racing Law, 1995 PA 279, as amended, MCL 431.301 et seq., and the rules promulgated thereunder to include the Racing Commissioner General Rules, R 431.1001 et seq.

2. Principal Address:_____

City of _____ County of _____ State of _____

3. Location of Track:

County of _____

Municipality: _____

4. Does the applicant own the property on which the racetrack is or is going to be situated?

☐ Yes ☐ No If “No,” provide a copy of current lease or mortgage information.

B. BUSINESS ENTITY INFORMATION

1. BUSINESS STRUCTURE

- a. Describe the applicant’s business structure and attach the entity’s current organizational chart that includes position descriptions and the names of the persons holding such positions.

- b. Identify each person that directly or indirectly participates in upper level decision making in the applicant:

_____	_____
(Name)	(Title)
_____	_____
(Name)	(Title)

2. BUSINESS ENTITY REGISTRATION AND DOCUMENTATION

- a. Date of Incorporation: _____
- b. Place of Incorporation: _____
- c. Verification of the entity's authorization to conduct business in Michigan (through registration with the Michigan Department of Labor and Economic Growth) and a certified copy of the certificate of incorporation must be attached.
- d. Submit a copy of the current by-laws of the Corporation

3. CAPITALIZATION INFORMATION

- a. BONDS, MORTGAGES, NOTES: Provide the following information regarding all bonds, mortgages, and notes
- Legal Name including prior names/aliases of bond/note holder and mortgage;
 - Business and Business Address;
 - Business Phone Number;
 - Full details including amount of indebtedness or exact ownership.
- b. COMMON STOCKS:
- Par value;
 - Number of voting shares;
 - Number of non-voting shares.
- c. PREFERRED STOCKS:
- Par value;
 - Number of voting shares;
 - Number of non-voting shares.
- d. May the applicant's stock be traded through options? ☐ Yes ☐ No

Has any stockholder executed an agreement or contract to convey any of the stockholder's stock at a future date? ☐ Yes ☐ No

If "Yes," provide a copy or a description of each agreement or contract disclosed

in this question. _____

C. PERSONS ASSOCIATED WITH THE BUSINESS ENTITY

1. **GENERAL INFORMATION:** Provide the following information regarding each Officer, Director, Partner, Manager, any persons that manage the applicant's operations or share in applicant's profits, and any person who holds or will be granted any rights or options to purchase any of the capital.
 - Legal Name including prior names/aliases;
 - Date of Birth;
 - Social Security Number;
 - Residence Address (Street Address, City, State, Zip Code);
 - Phone Number;
 - Occupation(s);
 - Relationship to Applicant
 - Business and Business Address;
 - Business Phone Number.
2. **ADDITIONAL INFORMATION FOR DIRECTORS:** In addition to the information above (C.1.) provide the following information for each Director:
 - a. Current Directors;
 - the date since which the directorship has been held;
 - his/her annual compensation;
 - a completed personal history and interest form (attachment A).
 - b. Former Directors:
 - the dates that the directorship was held.
3. **ADDITIONAL INFORMATION FOR OFFICERS:** In addition to the information above (C.1.) provide the following information for each officer (as prescribed by the corporate by-laws):
 - a. Current Officers;
 - the officer title and the date since which the office has been held
 - his/her annual compensation;
 - a completed personal history and interest form (attachment A).
 - b. Former Officers:
 - the officer title and the dates that the office was held.
4. **ADDITIONAL INFORMATION FOR SHAREHOLDERS AND STOCKHOLDERS:** In addition to the information above (C.1.) provide the following information on all persons who share or will share 10% or more of the applicant's profits, all persons who hold 5% or more financial interest in the applicant, or a shareholder holding 10% or more of the applicant's issued stocks:
 - percentage share and interest in the applicant;

- listing of the number of shares, percentage of shares for each class of stock held;
- voting rights (absolute or contingent) of each class of stock held
- a completed personal history and interest form (attachment A)

5. REGISTERED AGENT(S) INFORMATION:

Legal Name of Registered Agent:_____

Physical Address:_____
(Street Address, City, State, Zip Code)

Mailing Address:_____
(Street Address or P.O. Box, City, State, Zip Code if different than Physical Address)

Business Address:_____
(Street Address, City, State, Zip Code)

Business Phone No.:_____ Business Fax No._____

6. GENERAL MANAGEMENT INFORMATION:

If you have employed or intend to employ a General Manager, submit the following information:

Full Legal Name:_____ Prior Name/Alias: _____

Social Security No. _____ Date of Birth _____

Residence Address:_____
(Street Address, City, State, Zip Code)

Mailing Address:_____
(Street Address or P.O. Box, City, State, Zip Code if different than Residence Address)

Residence Phone No._____ Occupation:_____

Former Employers:_____

Former Employers Addresses:_____
(Street Address, City, State, Zip Code)

Dates Employed for Each Former Employer:_____

7. CONSULTANT(S) INFORMATION:

If you have utilized or intend to utilize any consultants who have performed serviced or are expected to perform services to prepare the application, prepare for the hearing on the application, or prepare the racetrack for racing (including but not limited to the areas of

veterinary services, racetrack design and maintenance, management, marketing, legal, or legislative services) submit the following information for *each* consultant:

Consultant's Name _____

Business Name (if different) _____

Business Address: _____
(Street Address, City, State, Zip Code)

Business Phone No: _____ Business Fax No: _____

SECTION II FINANCIAL RESPONSIBILITIES AND RESOURCES

A. FISCAL PLANNING AND RESOURCES

1. PROPOSED OPERATIONS

- a. Submit the projected operating statement and budget for three full year's of track operation with horse racing and pari-mutuel wagering to include at a minimum:
 - the number of live racing dates to be requested
 - average daily attendance;
 - average per capita wager;
 - average daily mutuel handle;
 - purse distribution schedule and amounts;
 - track commission;
 - breakage
 - income from admissions;
 - parking income;
 - program sales;
 - concession income;
 - labor costs broken out by each major category of employment;
 - insurance, legal and other professional services costs;
 - contractor and consultant costs;
 - cost of maintenance and repairs and improvements;
 - depreciation;
 - travel expenses;
 - local taxes;
 - utilities;
 - publicity and advertising.
- b. Submit the proforma opening balance sheet with which the applicant would propose to begin operation of each type of horse racing with pari-mutuel wagering.

2. TRACK START UP OPERATIONS

- a. Submit a proposed business plan for the first year of operation including the costs, whether determined or projects, of construction or renovation of the racetrack facilities, including but not limited to the costs of architectural and engineering services, land acquisition, site development, facility construction, equipment acquisition, capitalized interest, loan placement and other guarantee fees, and administrative and legal services relating to construction.
- b. Submit a complete descriptive plan for the costs of operating the facility before the first day of horse racing with pari-mutuel wagering, including but not limited to the costs of promotion and advertising, application development, application and license fees, management, administrative salaries, and interest and other financing costs relating to construction.
- c. Submit a complete description of the time schedule, estimated in number of weeks for preparing the racetrack for horse racing including but not limited to acquiring land, soliciting bids, garnering community support, soliciting bids, awarding contracts, construction, hiring management personnel, staffing and implementation of the marketing plan, and training staff.
- d. Submit a listing and supporting documents of each source of funding for the
- e. construction and operation of the racetrack including:
 - legal name of the source;
 - full address;
 - phone number;
 - amount;
 - terms of any equity contribution or commitment source;
 - amount and terms of any debt contribution or commitment;
 - the basis for valuing non-cash contributions.

B. FINANCIAL RESOURCES

1. FINANCES

In addition to information provided for in Part I, B3 and Part II, A,

- a. Submit a listing in tabular format of all forms of indebtedness issued or executed by the applicant, or to be issued or executed by the applicant which mature more than one year from the date of issuance or which, by their terms, are renewable for a period of more than one year from the date of issuance, to include:
 - the nature and type of indebtedness (including but not limited to outstanding bonds, loans, mortgages, trust deeds, notes, debentures, pledges, security devices);
 - the terms, covenants, and priorities for each indebtedness;
 - If the indebtedness is held by a person, state so, and provide:

- i. the legal name including prior names/aliases of the person holding the indebtedness;
 - ii. date of birth ;
 - iii. social security number;
 - iv. Resident Address (Street Address, City, State, Zip Code).
 - If a indebtedness is held by a business entity, state so, and provide:
 - i. the legal name of the entity holding the indebtedness;
 - ii. Business Address (Street Address, City, State, Zip Code);
 - iii. Business Phone.
 - Dollar amount of original debt and current balance
- b. Submit a listing in tabular format each financial institution, whether domestic or foreign, in which the applicant has or has had an account over the last 10 year period regardless of whether such account was held in the name of the applicant, the corporation, a nominee of the corporation or was otherwise under the direct or indirect control of the applicant or corporation, to include:
- the name of the institution;
 - Business Address (Street Address, City, State, Zip Code);
 - Type of Account(s);
 - Time Period for Account(s) Held (from- to, month/year);
 - Account Number.
- c. Submit a listing in tabular format of each business entity in which the applicant business holds stock:
- Name of the Business Entity;
 - Business Address (Street Address, City, State, Zip Code);
 - Type of Stock Held;
 - % of Ownership if more than 5%.

2. FINANCIAL RECEIVERSHIP

Has any receiver, fiscal agent, trustee or similar officer been appointed, in the last 10 years by a court for the business or property of the applicant? ☐ Yes ☐ No

If “Yes,” identify the person appointed, the court making the appointment and the reasons for such appointment. _____

3. LITIGATION

Provide a listing of all existing civil litigation to which the applicant or any director, officer, manager, partner, persons holding 5% or more financial interest in the applicant, persons sharing or will share in 10% or more of the applicants profits, or shareholders holding 10% or more of the applicant’s issued stocks, in their official capacities are presently parties whether in Michigan or another jurisdiction. Do not include any litigation in which damages may not reasonably be expected to exceed \$10,000 but which involve claims against said persons above which are fully and completely covered under an insurance policy held by the applicant with a licensed insurance carrier. The listing must include:

- Title and Docket Number of the litigation;

- Name and Location of the Court before which it is pending;
 - Identity of all parties to the litigation;
 - The general nature of all claims being made.
4. **ALTERNATE FUNDING:** Provide a listing of all alternate sources and amount of funds for unexpected occurrences such cost overruns, nonreceipt of equity or debt funds, or estimated revenues, etc. The listing must include:
- Legal Name/Entity Name of Source
 - Type of Source and relationship to applicant
 - Amount available
5. **JUDGEMENTS AND PETITIONS**
- Has the applicant or any director, officer, manager, partner, persons holding 5% or more financial interest in the applicant, persons sharing or will share in 10% or more of the applicant's profits, or shareholders holding 10% or more of the applicant's issued stocks:
- a. ever had entered against it/him/her a judgment, consent decree, or consent order pertaining to a violation or alleged violation of the federal antitrust, trade regulation or securities regulation laws, or similar laws of any State, province or country? ☐ Yes ☐ No
 If "Yes," identify the title of the case, the name and address of the court or administrative body entering it, and the date and nature of the judgment, decree, or order _____
- b. ever had filed against it/him/her a petition under any provision of the Federal Bankruptcy Act or under any State insolvency law in the last 10 year period? ☐ Yes ☐ No

SECTION III RACETRACK INFORMATION

A. SITE INFORMATION

1. **LOCATION OF TRACK**
- In addition to the information provided in Section I, subsections A3 and A4, provide the following information at a minimum regarding the racetrack site property:
- Full, Legal description of the racetrack site property;
 - Aerial photograph of the racetrack site property taken within the past 60 days;
 - What the county, township, city, village, school district and other governmental units exist where the racetrack site is located;
 - Location of nearest fire and police stations;
 - Zoning designation for the racetrack site and whether any variance will be required;
 - Any local zoning or special use permits that must be obtained for the racetrack site including the procedure to obtain those permits, likely

conditions to be placed on the permits and estimated date permits will be obtain;

- Local building code(s) at the racetrack site;
- The exact number of miles (to 0.10 mile fractions) from the race track site to the center of the business districts of nearby cities with the population of those cities identified per data from the most recent federal census;
- A detailed description of any geographical or structural defects at the site and the detailed description of the engineering, design and construction plans to remedy the defects.

2. GENERAL PLOT PLAN

Submit an accurate to-scale plot plan showing at a minimum, the following:

- entire exact shape and dimensions of the racetrack property
- the name and position of adjoining highways, rail lines, and utility service (water, sewer, gas, electric, etc.) lines, utility and railroad rights-of-ways;
- location and description of racing strip, giving complete dimensions and track requirements, including length and width;
- location of wells and septic systems;
- location of all tracks, paddocks, and walking rings;
- location of all buildings to include grandstand(s), barns, stables, offices, blacksmith shops, maintenance shops, jockey quarters, tack rooms, dormitories, recreation buildings, restaurants, track kitchen, clubhouses;
- location entrance gate(s) other gates, fences, gate houses, guard stations;
- location of major items of landscaping or green spaces;
- location of towers and lighting structures;
- location of parking areas, sidewalks, access to public roadways, highways and transportation to include nearby loading platforms;
- the maximum number of people the track can accommodate in seating capacity and standing room;
- the number of motor vehicles that can be accommodated at parking facilities, distinguished between public, licensee, and employee parking.

3. TRAFFIC PLANNING

- a. ACCESS: To ensure adequate access to the racetrack site, do the roadways need any improvements or changes? ☐ Yes ☐ No

If “Yes,” provide the following information:

- Improvement plan and procedure for approval;
- Estimated cost;
- Estimate completion date;
- Name of Parties initiating the improvement;
- Name of Parties responsible for cost and proportionate share of said cost.

- b. STUDY: Provide a traffic flow study prepared by a licensed traffic engineer that contains at a minimum:

- Distance of the racetrack site from the nearest population centers;

- Description of all available public transportation facilities;
- Description of access that includes the names of highways, roadways, and streets which provide means of ingress and egress to the racetrack
- Setting forth all traffic flow patterns for entering or leaving all areas of the racetrack site
- A photograph of each highway, roadway, and street that will be used to access the racetrack site.

Pertinent maps, plats, plots, and aerial photographs may be included in the study.

4. PUBLIC FACILITIES

Provide specifications for areas of the racetrack site and facility to which the public will have access:

- Identify the areas which the public will have access;
- Provide detailed plans for maintaining these areas;
- Describe and plot the pattern of pedestrian traffic around the racetrack facilities;
- Describe provisions for disabled patrons in compliance with the American with Disabilities Act, and any other applicable requirements;
- Describe public sanitary facilities including whether city sewage or septic tank system will be used, and location of facilities.

B. FACILITIES PLANS AND SPECIFIC INFORMATION

1. TRACK PLANS

Provide the dimensions and specifications of each track to be provided on the site including:

- total length and width;
- banking, with description of method of transition into and out of turns;
- radius of each turn;
- length of each stretch;
- length, width, design and location of each chute;
- type of inside and outside rail to include location and method of closing gaps;
- construction specifications for track including foundation, composition, base, and subsurface with details on the amount and type of gravel, clay, loam and other materials to be used including depth for each material;
- cushion of track with a schematic drawing of racing surface;
- drainage system for racing surface;
- location and design of video towers, lighting towers and equipment, patrol towers, infield boards and landscaping;
- a detailed description of the track surface maintenance plan, methods to be used to winterize the track, and necessary maintenance equipment.

2. FACILITY PLANS FOR PUBLIC AREAS

- a. GRANDSTAND: Provide detailed, to-scale floor plans for each level and workings that include:
 - type of construction and construction details such as type of exterior and interior finish, type of flooring and roofing;
 - number, arrangement and dimensions of seats, aisles, stairways, elevators, and ramps;
 - front, side and rear elevations;
 - cross section and seating capacities of grandstand;
 - number, arrangement, location, and dimensions of betting areas and betting windows;
 - number, arrangement, location, and dimensions of restaurants, bars, concession stands, lounges, rest rooms, and news stands.
- b. CLUBHOUSE: Provide detailed, to-scale floor plan for each level and workings that include:
 - type of construction and construction details such as type of exterior and interior finish, type of flooring and roofing;
 - number, arrangement and dimensions of seats, aisles, stairways, elevators, lobbies, and ramps;
 - front, side and rear elevations;
 - cross section and seating capacities of clubhouse;
 - number, arrangement, location, and dimensions of betting areas and betting windows;
 - number, arrangement, location, and dimensions of restaurants, bars, concession stands, lounges, rest rooms, and news stands,
 - number, arrangement, location, and dimensions of administrative offices, security offices, equipment rooms, jockey quarters.

3. FACILITIES FOR RACE ANIMALS AND LICENSEES

- a. BARN AND STABLE AREAS: Provide detailed, to-scale separate plot plan that shows:
 - exact location of horse barns, stables, hay storage barns, other structures within the area, area parking including trailer parking;
 - exact number of stalls, tack rooms, other structures;
 - exact dimensions of buildings and distances between buildings;
 - detailed plans showing sewerage, water supply, lighting, fire alarm systems, and fencing for the barn and stable area;
 - stalls for obtaining test specimens, and related testing areas;
 - lockout and pre-race holding area and paddock;
 - lounge, kitchen, office and employee areas;
 - exact location of all fire hydrants, alarm boxes, sirens, and sprinkler systems;
 - proposed location to park or house fire trucks and other equipment;
 - drainage system and surfacing of roads with the barn area.

- b. **BARN BUILDING:** Provide detailed, to-scale separate working drawings for one complete barn that includes:
 - exact type of construction including foundations, framing, roof members, siding, roofing, and materials to be specified for each;
 - exact dimension of stalls, shed rows, walkways, wash areas, tack rooms, lavatories, and shower rooms;
 - front, side and rear elevations;
 - track kitchen, storage, and other barn areas
 - heating and cooling systems
- c. **OTHER BUILDINGS:** Provide detailed, to-scale separate working drawings for any dormitories, jockey quarters, and recreation halls that includes:
 - exact type of construction including foundations, framing, roof members, siding, roofing, and materials to be specified for each;
 - floor plan to include number, arrangement, and dimensions of rooms, lavatories, shower facilities, halls, aisles, stairways, elevators, lobbies, lounges, ramps, storage, kitchen areas;
 - front, side and rear elevations;
 - cross section and rooming capacities;
 - detailed plans showing sewerage, water supply, lighting, fire alarm systems, and other security and safety systems;

C. RACETRACK NEED AND NECESSITY

State in detail the reasons that the applicant believes there is a need and necessity for the track the applicant proposes to operate and in what manner the existence of this track will advance the best interests of horse racing generally and specifically, Michigan. The answers to this question should be accompanied by documentary proofs to support each allegation of fact.

SECTION IV ADDITIONAL DOCUMENTS

- A. ATTACHMENT A**
PERSONAL HISTORY AND INTEREST FORM
As required in Section I, subpart C
- B. RELEASE AUTHORIZATION**
- C. VERIFYING AFFIDAVIT**
- D. WAIVER OF LIABILITY**